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October 28, 2003

### **BY E-MAIL**

Rick C. Chessen  
Associate Bureau Chief, Media Bureau  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Re: MB Docket No. 02-230 (Digital Broadcast Copy Protection)

Dear Mr. Chessen:

In recent days, questions have been raised concerning the MPAA's proposal on the effective date (that is, the date on which compliance with the regulation is required) and the interim Table A population contained in my *ex parte* letter to you dated October 22. In the spirit of cooperation, and in order to allow the Commission to move forward quickly on these two, related issues, the attached revision of our October 22 proposal would be acceptable.

In the attachment to my October 22 letter, we proposed an initial Table A population, to be used on an interim basis pending adoption of a permanent Table A, that would be composed of, in part, "any digital output technology specifically identified and approved in the publicly available PHILA or DFAST license forms as of October 1, 2003, but only in connection with such outputs (e.g., 1394, DVI, MOST) for which such technologies have been formally adopted as of such date." The purpose of this formulation is to allow the Commission to authorize an interim population of Table A technologies based on those already authorized in the Plug & Play proceeding, so that manufacturers can finish their products with certainty for the 2004 manufacturing season. Some have objected to the limitation of this interim population to outputs "formally adopted" by October 1, 2003. Rather than debate the merits of our proposal last week, and given the urgent need to ensure that Table A is populated on adoption of the regulation, the attachment deletes the October 1, 2003 date.

Second, the attachment re-orders the paragraphs in Part B of our proposal to make clear that, in general, the effective date for the Broadcast Flag regulation is eighteen months from the date of adoption of the regulation. As before, the eighteen-month date is subject to two exceptions,

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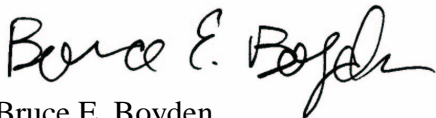
which are essential in order to ensure that a new legacy problem is not *created* by allowing the first wave of Plug & Play and DTV Tuner Mandate products to hit the market without simultaneously providing for Broadcast Flag compliance in such products. However, the attachment provides two substantive alterations to our proposal of last week to address concerns that have been raised.

Because it is not as crucial that DTV receivers and other, related equipment *that do not have digital outputs* be Broadcast-Flag-compliant by July 1, 2004, and in order to reinforce the point that the July 1, 2004 date is reasonable (and remains subject to waiver in any event), the attachment provides that such devices be required to be compliant eighteen months after adoption of the regulation, as is the case generally.

In addition, the attachment provides that only *new models* of Plug & Play products and DTV Tuner Mandate products will be subject to the July 1, 2004 date; existing models of such products will be subject to the eighteen-month compliance date. Finally, the attachment clarifies and shortens Paragraph B.3 of the proposal consistent with the other changes noted above.

Please contact me if you have any questions concerning this letter. In accordance with Section 1.1206 of the Federal Communications Commission rules, one copy of this letter is being filed electronically with the Secretary for the Commission.

Sincerely,



Bruce E. Boyden  
Counsel for the Motion Picture Association of America, Inc.

Enclosure

cc: Marlene Dortch, Secretary (via ECFS)  
Chairman Michael K. Powell  
Commissioner Kathleen Q. Abernathy  
Commissioner Jonathan S. Adelstein  
Commissioner Michael J. Copps  
Commissioner Kevin J. Martin  
Catherine Bohigian  
Anthony Dale  
Stacy Robinson Fuller  
Paul Gallant

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